

**§ 3004. Strength and distribution in grade****(a) Grades**

The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- (1) Vice admiral.
- (2) Rear admiral.
- (3) Rear admiral (lower half).
- (4) Captain.
- (5) Commander.
- (6) Lieutenant commander.
- (7) Lieutenant.
- (8) Lieutenant (junior grade).
- (9) Ensign.

**(b) Grade distribution**

The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

**(c) Annual computation of number in grade****(1) In general**

Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

**(2) Method of computation**

The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

**(3) Fractions**

If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

**(d) Temporary increase in numbers**

The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

**(e) Positions of importance and responsibility**

Officers serving in positions designated under section 3028(a) of this title and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

**(f) Preservation of grade and pay**

No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.

(Pub. L. 107-372, title II, §214, Dec. 19, 2002, 116 Stat. 3083; Pub. L. 116-259, title I, §101, Dec. 23, 2020, 134 Stat. 1154.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 853a of this title prior to repeal by Pub. L. 107-372.

**AMENDMENTS**

2020—Pub. L. 116-259 amended section generally. Prior to amendment, section established strength and distribution of officers in grades.

**§ 3005. Number of authorized commissioned officers****(a) In general**

The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

**(b) Positions of importance and responsibility**

Officers serving in positions designated under section 3028 of this title and officers recalled from retired status or detailed to an agency other than the Administration—

- (1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and
- (2) may not count against such number.

(Pub. L. 107-372, title II, §215, Dec. 19, 2002, 116 Stat. 3084; Pub. L. 110-386, §6, Oct. 10, 2008, 122 Stat. 4108; Pub. L. 116-259, title I, §102(a), Dec. 23, 2020, 134 Stat. 1155.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 853a of this title prior to repeal by Pub. L. 107-372.

**AMENDMENTS**

2020—Pub. L. 116-259 amended section generally. Prior to amendment, section related to number of authorized commissioned officers effective Oct. 1, 2009.

2008—Pub. L. 110-386 amended section generally. Prior to amendment, section read as follows: “There are authorized to be on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration—

- “(1) 270 officers for fiscal year 2003;
- “(2) 285 officers for fiscal year 2004; and
- “(3) 299 officers for fiscal year 2005.”

**§ 3006. Obligated service requirement****(a) In general****(1) Regulations**

The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

**(2) Written agreements**

The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

**(b) Repayment for failure to satisfy requirements****(1) In general**

The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the

same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

**(2) Obligation as debt to United States**

An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

**(3) Discharge in bankruptcy**

A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

**(c) Waiver or suspension of compliance**

The Secretary may waive the service obligation of an officer who—

(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

(2) is—

(A) not physically qualified for appointment; and

(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.

(Pub. L. 107-372, title II, §216, as added Pub. L. 116-259, title I, §103(a), Dec. 23, 2020, 134 Stat. 1155.)

**§ 3007. Training and physical fitness**

**(a) Training**

The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

(2) Providing officers and officer candidates with educational materials.

(3) Acquiring such equipment as may be necessary for training and instructional purposes.

**(b) Physical fitness**

The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.

(Pub. L. 107-372, title II, §217, as added Pub. L. 116-259, title I, §104(a), Dec. 23, 2020, 134 Stat. 1156.)

**§ 3008. Aviation accession training programs**

**(a) Definitions**

In this section:

**(1) Administrator**

The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

**(2) Member of the program**

The term “member of the program” means a student who is enrolled in the program.

**(3) Program**

The term “program” means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

**(b) Aviation accession training programs**

**(1) Establishment authorized**

The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

**(2) Institutions described**

An institution described in this paragraph is an educational institution—

(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

(C) that is located in a geographic area that—

(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

(D) at which the Administrator determines that—

(i) there will be at least one student enrolled in the program; and

(ii) the provisions of this section are otherwise satisfied.

**(3) Limitations in connection with particular institutions**

The program may not be established or maintained at an institution unless—

(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who is assigned as an advisor to the program at that institution is